

### **REMARKS/ARGUMENTS**

Claim 3 has been amended into independent form by incorporating the subject matter of Claim 1 and clarifying the relationships between the recited steps. Claims 1, 2 and 6 have been cancelled. Claims 4 and 5 have been amended to depend upon Claim 3. Claims 7-21 have been withdrawn from consideration. Claims 3-5 and 21 currently remain under examination.

#### **1. English Translation of Priority Document**

Receipt of papers submitted under 35 U.S.C. §119(a)-(d) have been acknowledged by the Office. However, the Office notes that an English translation of the priority document is outstanding. Accordingly, a certified English translation of the Korean priority document is provided concurrently herewith. As such, consideration of Applicant's foreign priority claim is requested.

#### **2. Information Disclosure Statement**

The references provided in the Information Disclosure Statement (IDS) filed on October 22, 2004 have not been considered because an English translation of the priority document was not provided. Accordingly, a certified English translation of the priority document is provided concurrently herewith. As such, Applicant requests the consideration of the references provided in the IDS dated October 22, 2004.

#### **3. Claim Objections**

Claim 6 stands objected to under 37 CFR 1.75(c) as failing to further limit the subject matter of a previous claim. Claim 6 has been cancelled.

#### **4. Rejections under 35 U.S.C. §112**

Claims 1-6 and 22 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention.

Claims 1, 2 and 6 have been cancelled. Claim 3 has been rewritten into independent form by incorporating the subject matter of currently cancelled Claim 1 and clarifying the relationships between the recited steps. Specifically, Claim 3 has been amended to recite a method for preparing a donor cell for nuclear transfer comprising the steps of: (a) applying electrical stimulation to donor cells comprising differentiated cells and undifferentiated cells; (b) reacting the electrically stimulated donor cells of step (a) with an antibody against a membrane antigen marker that is specific to undifferentiated cells to select undifferentiated donor cells; and (c) conducting synchronous culture of the selected undifferentiated donor cells of step (b) to a metaphase stage. As currently claimed, Claims 4, 5 and 22 are dependent upon Claim 3. Amended independent Claim 3, as well as dependent Claims 4, 5 and 22, particularly point out and distinctly claim the subject matter regarded as the invention such that Applicant requests withdrawal of the indefinite rejections.

#### **5. Rejections under 35 U.S.C. §103(a)**

At the outset, the Office indicates that Claims 3 and 22 are free from the art because “[a] method of using ES cells or more generally undifferentiated cells presumes the presence of such cells, and would fail to provide any motivation for isolating such cells after electrostimulation. To the contrary, the methods of electroporation of ES cells all focus on screening and identifying a clone in culture at best by physical morphology of the ES cell.” See “Conclusion” of the Office Action mailed on October 2, 2006.

Claims 1 and 4-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Amano *et al.* (J Exp Zoo 289:139-145 (2001)) in view of Bronson *et al.* (PNAS 93:9067-9072 (1996)) and Wallace *et al.* (NAR 28(6):1455-1464 (2000)). Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Amano, Bronson, and Wallace as applied to Claims 1 and 4-6, and further in view of Cantella *et al.* (Gene Ther 8:1464-1469 (2001)) and Cantella *et al.* (Biophysical J 80:755-764 (2001)).

Claims 1, 2 and 6 have been cancelled. Claim 3, recognized by the Office as being free from the art, has been rewritten into independent form by incorporating the subject matter of currently cancelled Claim 1 and clarifying the relationships between the recited steps.

Specifically, Claim 3 has been amended to recite a method for preparing a donor cell for nuclear transfer comprising the steps of: (a) applying electrical stimulation to donor cells comprising differentiated cells and undifferentiated cells; (b) reacting the electrically stimulated donor cells of step (a) with an antibody against a membrane antigen marker that is specific to undifferentiated cells to select undifferentiated donor cells; and (c) conducting synchronous culture of the selected undifferentiated donor cells of step (b) to a metaphase stage. As currently claimed, Claims 4, 5 and 22 are dependent upon Claim 3

Since the Claim 3 has been recognized as being free from the art and all other claims under examination depend upon Claim 3, Applicant respectfully requests that the prior art rejections be withdrawn.

## **6. Conclusion**

In view of the foregoing amendments and the remarks made above, Applicant submits that the pending claims are in condition for allowance. Applicant respectfully requests that the claims be allowed to issue. If the Examiner wishes to discuss the application or the comments herein, the Examiner is urged to contact the undersigned.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

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therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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